

Feb. 28, 2011

Representative Guerrera, Senator Maynard, Members of the Transportation Committee, for the record my name is Sandra Eagle, I am from Stamford, and I am here to testify in support of Bill #6207.

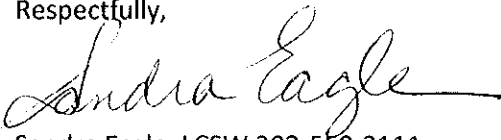
These are the salient points of my story and my testimony.

1. My son was a minor when he was arrested in May 2008 for a DWI in NYS. His driving privileges were at first suspended for one year from the date of the arrest, and later extended to one year from the conviction date of Oct. 2008. In addition to the year and five month suspension, he spent two days in jail, was charged \$10,000. by the lawyer who represented him, had to pay \$1000. fine to the Village of South Hampton, and ultimately another \$750. To NYS to restore his driving privileges. In addition, despite a mandated alcoholism counselor evaluation that determined he was not an alcoholic, he was court ordered to complete a year of counseling, which involved money, time, and while residing in NY, finding rides to get to the appointments. My son has resided at both my CT home, and his Dad's NY homes, since our divorce when he was three years old.
2. We were informed by the NYS judge, by the Safety and Law Enforcement and Disposition Division, and by the NYS Driver Improvement Bureau, that his suspension was listed on the National Registry and he would be in violation of the reciprocity with CT were he to be found driving in CT during the period of his suspension with NYS, i.e. we were made to understand that the CT suspension was concurrent with the NYS suspension.
3. This understanding was corroborated in a discussion with a Greenwich police officer.
4. This understanding was officially corroborated by the CT DMV notice sent to us with a print date of November 2009, see Ex 'A', stating "Our files show that your operator's license is under suspension" and that to renew his CT license he'd need to show proof of a restoration notice from NYS. Please note it specifically states that his License was under suspension.
5. My son obtained the restoration notice from NY, but as he was living in Florida chose to get a Florida license. His current license is a Florida license; there is no CT license to suspend, even though CT DMV continues to word it as a suspension of his license rather than a suspension of his driving privileges.
6. Despite this official notice, printed November 2009, 10 months later, he received a notice from CT DMV that his CT license (remember he does not possess a CT license) would first be suspended for one year effective September 29, 2010, 2 years and four months after the DWI, 2 years after his conviction, and a year after his NYS suspension was completed. See Ex. 'B'.
7. CT DMV is now saying that despite the understanding given to us by NY about the National Registry listing and a concurrent suspension of CT driving privileges, and despite the official CT DMV notice in November of 2009 specifically stating that his CT license was under suspension, that indeed his driving privileges in CT had never been suspended.
8. It is arbitrarily harmful to my son, who is no longer a minor, but a 23 year old college graduate in search of career employment while working a waitering job, to not be able to drive, harming his possibility of finding career employment, and giving him a record of 2 suspensions 3 years apart, that can only hurt his possibility of getting hired, and further drive up insurance costs.

9. As a CT resident, I find it negligent of the state, to leave a DWI offender on the road for 3 years after his offense, only to take him off that many years later when he is no longer at risk.
10. The wording of the statute is that the suspension must happen 'after' notification from the compact state. The CT DMV administrative hearing process rigidly interprets 'after' as any time after, rather than interpreting the intent of the statute. This rigidity was explained to us by the hearing officer, and is documented in the suspension notice, 'You may request (a hearing) only if you claim you were not convicted or a violation set forth in C.G.S. 14-111q' see Ex. C
11. It is because the DMV hearing process does not involve an adherence to the intent of the statute, but simply to the wording 'after', that the statute must be re-written to reflect the intention that the suspensions run concurrently. In addition, the CT DMV is unwilling to act on a suspension it is aware of until notified leaving a higher risk driver on the road, and way later arbitrarily taking him off the road. Thirdly, the CT DMV refuses to take responsibility for its official communication to us that the suspension was on their files and all we needed was a letter of restoration form NYS.
12. I want to draw your attention to the Findings of Fact, Ex 'D', items 9, 10, and 11, which report that had his DWI happened in "CT, he would've been eligible for the Alcohol Education Program and not even had his conviction reported to the DMV. Punishing my son 3 years later, with consequences to his finding employment and hardship on his quality of life, is in stark contrast with how CT deals with first time offenders.

In sum, I ask that you support Bill #6207, or like legislation, that assures both residents and drivers, that a CT suspension will happen concurrently with NYS suspension, or no later than 2 months after a DWI conviction. I ask that this legislation be effective retroactively for anyone whose suspension is still to be heard or is in petition, that it might help resolve my son's issue.

Respectfully,

A handwritten signature in black ink that reads "Sandra Eagle". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Sandra Eagle, LCSW 203-550-2111

22 Robert Court, Stamford, CT 06902

Notice the 'date printed' 11/2009 which is when I received this

Ex. 'A'

PHOTO LICENSE INFORMATION
B-161 REV. 9-2003

STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES
BRANCH OPERATIONS DIVISION
On The Web At <http://dmvct.org>



OUR FILES SHOW THAT YOUR OPERATOR'S LICENSE IS UNDER SUSPENSION
YOUR MOTOR VEHICLE OPERATOR'S LICENSE WILL EXPIRE SHORTLY.

INSTRUCTIONS

1. BEFORE YOU WILL BE ALLOWED TO RENEW YOUR LICENSE you must show proof, in the form of a RESTORATION NOTICE, that your driving privilege has been restored.
2. BRING the enclosed APPLICATION FOR OPERATOR'S LICENSE, your RESTORATION NOTICE, and the FEE indicated to your local DMV branch office to have your picture taken for your photo license. See reverse side for listing of offices.
3. DO NOT SIGN THE APPLICATION
4. DO NOT MAKE CHANGES ON THE APPLICATION. Report changes to examiner on arrival at DMV office.
5. BRING YOUR CURRENT LICENSE.

LICENSE RENEWAL

OPERATOR NO. 157995800
EXPIRATION DATE 01/05/2016
CLASS D
ENDORSEMENT(S) RESTRICTION(S)
BIRTHDATE 01/05/1988 SEX M HEIGHT 5'08" EYES BLU
DATE PRINTED 11/2009

Your signature on this application attests, subject to penalties for false statement, that your driving privilege is not under suspension, that you do not have any health problems or conditions that prevent you from driving safely, that Connecticut is your legal residence or legal home-of-record, and that all information listed herein is true and accurate.

F00112 REV. 02/06

FEE =

EAGLE, ASHER, C
22 ROBERT CT
STAMFORD CT 06902

LICENSE RENEWAL

OPERATOR NO. 157995800
EXPIRATION DATE 01/05/2016
CLASS D
ENDORSEMENT(S) RESTRICTION(S)
BIRTHDATE 01/05/1988 SEX M HEIGHT 5'08" EYES BLU

SIGNATURE

Your signature on this application attests, subject to penalties for false statement, that your driving privilege is not under suspension, that you do not have any health problems or conditions that prevent you from driving safely, that Connecticut is your legal residence or legal home-of-record, and that all information listed herein is true and accurate.

EAGLE, ASHER, C
22 ROBERT CT
STAMFORD CT 06902

Please check this box if you want to be an Organ Donor





F7142B REV. 08/05

STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES
DRIVER SERVICES DIVISION
60 STATE STREET, WETHERSFIELD, CONNECTICUT 06161-2525
ct.gov/dmv



200082

EX B.

SUSPENSION NOTICE

PLEASE REFER TO THIS
NUMBER WHEN CONTACTING
THIS DEPARTMENT

EAGLE, ASHER, C
22 ROBERT CT
STAMFORD

CT 06902-6131

DATE OF BIRTH 01/05/1988	OPERATOR'S LICENSE NO. CT 137995620
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He no longer has a CT license!
DATE: 08/30/2010

NOTICE: Effective 09/29/10, your license to operate any motor vehicle is suspended. If you also hold a Commercial Driver's License (CDL), or a Commercial Driver Instruction Permit it is also disqualified.

REASON: Your conviction of operating under the influence of alcohol, drugs or both in a member jurisdiction described in Connecticut General Statutes 14-111n.

DURATION: The duration of your suspension is 1 YEAR.

YOU MUST: Pay a restoration fee of \$175.00 when eligible. Please make your check payable to the Department of Motor Vehicles and mail it to the address noted below.

YOU MAY: Request an administrative hearing contesting this action only if you claim you were not convicted of a violation set forth in C.G.S. 14-111q or you are not the person involved.

WARNING: You must not operate a motor vehicle after your license is suspended until it has been restored.

The police will be notified of your suspension. If you drive while your license is suspended, you will be subject to law enforcement action.

PLEASE NOTE: If you have any questions regarding this notification, write to the D.M.V. or call (860) 263-5720. When you are eligible for RESTORATION, please provide any necessary documents and payments at least two weeks prior to your eligibility date. A check or money order should be made payable to DMV and sent through the mail to the following address:

DEPARTMENT OF MOTOR VEHICLES
DRIVER SERVICES DIVISION
60 STATE STREET
WETHERSFIELD, CONNECTICUT 06161-2525

Please provide your name, current address and date of birth with all documents. CLEARLY PRINT THIS INFORMATION. You must not operate a motor vehicle until you receive a notice from the Department of Motor Vehicles that the restoration has been processed.

Commissioner of Motor Vehicles

ALL BUSINESS MUST BE CONDUCTED BY MAIL.

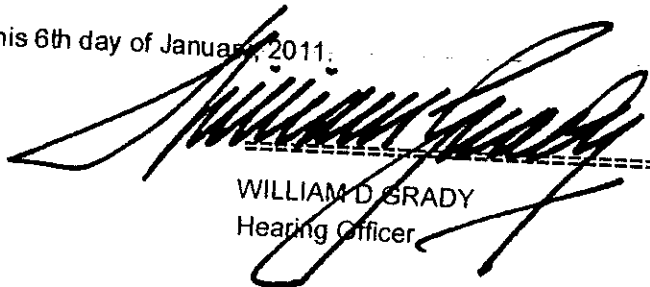
CONCLUSIONS OF LAW

The Respondent's license is subject to suspension pursuant to Section 14-111n of the Connecticut General Statutes because he was convicted of driving under the influence in the State of New York.

BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, IT IS ORDERED:

The Respondent's operator's license shall be suspended for one (1) year.

Dated at Wethersfield, Connecticut this 6th day of January, 2011:


=====

WILLIAM D. GRADY
Hearing Officer



F71428 REV. 12/10

STATE OF CONNECTICUT
 DEPARTMENT OF MOTOR VEHICLES
DRIVER SERVICES DIVISION
 60 STATE STREET, WETHERSFIELD, CONNECTICUT 06161-2525
 ct.gov/dmv



SUSPENSION NOTICE

Ex.C.

200094
 EAGLE, ASHER, C
 22 ROBERT CT
 STAMFORD

CT 06902-6131

PLEASE REFER TO THIS
 NUMBER WHEN CONTACTING
 THIS DEPARTMENT

DATE OF BIRTH	OPERATOR'S LICENSE NO.
01/05/1988	CT 137995620

DATE: 02/21/2011

ALL BUSINESS MUST BE CONDUCTED BY MAIL.

NOTICE: Effective 03/23/11, your license to operate any motor vehicle is suspended. If you also hold a Commercial Driver's License (CDL), or a Commercial Driver Instruction Permit it is also disqualified.

REASON: Your conviction of operating under the influence of alcohol, drugs or both in a member jurisdiction described in Connecticut General Statutes 14-111n.

DURATION: The duration of your suspension is 1 YEAR.

YOU MUST: Pay a restoration fee of \$175.00 when eligible. Please make your check payable to the Department of Motor Vehicles and mail it to the address stated below.

YOU MAY: Request an administrative hearing contesting this action only if you claim you were not convicted of a violation set forth in C.G.S. 14-111g or you are not the person involved.

WARNING: You must not operate a motor vehicle after your license is suspended until it has been restored.

The police will be notified of your suspension. If you drive while your license is suspended, you will be subject to law enforcement action.

PLEASE NOTE: If you have any questions regarding this notification, write to the D.M.V. or call (860) 263-5720. When you are eligible for RESTORATION, please provide any necessary documents and payments at least two weeks prior to your eligibility date. A check or money order should be made payable to DMV and sent through the mail to the following address:

DEPARTMENT OF MOTOR VEHICLES
 DRIVER SERVICES DIVISION
 60 STATE STREET
 WETHERSFIELD, CONNECTICUT 06161-2525

Please provide your name, current address and date of birth with all documents. CLEARLY PRINT THIS INFORMATION. You must not operate a motor vehicle until you receive a notice from the Department of Motor Vehicles that the restoration has been processed and you possess a valid operator's license.

Commissioner of Motor Vehicles



Department of Motor Vehicles

60 STATE STREET, WETHERSFIELD, CONNECTICUT 06161-4005
ADMINISTRATIVE HEARINGS SECTION - TELEPHONE (860) 263-5203
On The Web at [HTTP://ct.gov/dmv](http://ct.gov/dmv)

Cert# 1

Asher C Eagle
22 Robert Court
Stamford, CT 06902

01/06/2011

Case #: DRS-2010-339
Operator # CT137995620

EX. D.

RE: Hearing, November 23, 2010, WETHERSFIELD

Dear Mr. Eagle

As a result of the above-referenced hearing held in WETHERSFIELD, the following Findings of Fact and Conclusions of Law are hereby made:

FINDINGS OF FACT

1. Asher C. Eagle (Respondent) was duly notified of the captioned hearing at his address of record, and appeared at the hearing.
2. The Respondent holds Connecticut operator's license number 137995620.
3. On or about October 6, 2008, the Respondent was convicted in the State of New York for driving under the influence.
4. The Respondent was under the age of 21 years at the time of the conviction.
5. As a result of the Respondent's conviction in New York, the Respondent was notified on August 30, 2010 by the Connecticut Department of Motor Vehicles that his Connecticut license would be suspended.
6. The Respondent's Connecticut operator's license was suspended for a period of one year beginning on September 29, 2010.
7. At the hearing, a report from the State of New York was introduced which identified the Respondent as the person convicted of the offense, identified the violation, specified the statute, and identified the court and the plea.
8. The Respondent's driving history established that the Respondent did not have any other driving violations.
9. Had the driving under the influence violation occurred in this state, the Respondent would have been eligible for the Alcohol Education Program (AEP) pursuant to C.G.S. section 54-56g. Under that program, the Respondent would not have had a conviction reported to the Department of Motor Vehicles. However, he would have been subject to the per se statute, C.G.S. 14-227b and could have lost his driving privileges accordingly.
10. Had the violation occurred in a state that has a pretrial diversionary program similar to C.G.S. 54-56g, there would not have been any conviction to report to Connecticut under the driver license agreement.
11. If a citizen of New York had been arrested for a violation of C.G.S. section 14-227a (Operation under the influence of liquor or drugs or while having an elevated blood alcohol content) and had been admitted into the AEP, such would not have been reported to the State of New York, nor would a License suspension under C.G.S. section 14-227b, as it is not a conviction that requires notification under the driver license agreement.
12. The Respondent presented reasons and authorities for the challenge to the one year suspension of the driving privileges, relying principally upon the nearly one year delay in suspension action by the State of Connecticut.
13. The Respondent presented no evidence that he had completed a driving under the influence treatment and education program either in the State of New York or the State of Connecticut.